

WWR# 041404306

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Elizabeth Algarin

Case No. 23-13908-mdc

CHAPTER 13

Debtor

Citadel Federal Credit Union

Movant

OBJECTION TO DEBTOR'S CHAPTER 13 PLAN

AND NOW, comes Creditor, Citadel Federal Credit Union, by and through its counsel, Milos Gvozdenovic, and respectfully represents the following:

1. On 12/28/2023, the Debtor filed a voluntary petition commencing a case under Chapter 13, Title 11, United States Code, and for the entry of an order for relief.

2. This is an action under 11 U.S.C. Section 1324, which provides a party in interest may object to confirmation of the plan.

3. Creditor holds a valid security interest in the form of a Retail Installment Contract on a 2017 Dodge Challenger, VIN#2C3CDZBT3HH587349, (hereinafter referred to as the "Vehicle"), and as more particularly described in such contract.

4. On 02/23/2024, Creditor filed a Secured Claim in the total amount of \$23,287.42 with \$565.14 in arrears over the life of the plan. A copy of the Proof of Claim is attached to hereto as **Exhibit A**.

5. On 02/08/2024 Debtor filed a Chapter 13 Plan in which the plan provides that the replacement value is \$9,873.00.

6. On 02/14/2024, the vehicle had a retail value of \$14,360.00 in the Kelley Blue Book. A True copy of the Kelley Blue Book is attached hereto as **Exhibit B**.

7. Debtor's Plan should not be confirmed in accordance with 11 U.S.C. Section 1325. Debtor's Plan is in violation of 11 U.S.C., Section 1325(a) and fails to provide Citadel Federal Credit Union with adequate protection of its interests and fails to pay the full present value of its claim, with proper priority. Under the BAPCPA amendments to Section 506(a), Creditor is entitled to the secured amount of the retail value of the herein referenced collateral.

WHEREFORE, Creditor prays this Honorable Court to deny confirmation of the Debtor's proposed Plan.

Weltman, Weinberg & Reis Co., L.P.A.

Respectfully submitted,

/s/Milos Gvozdenovic

Milos Gvozdenovic

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